



# ABC Update May 2013

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## 2013 General Assembly Passes ABC Laws

The 2013 GA passed legislation directly affecting the regulation of alcohol sales. Full bills are available and can be found at the LRC website, [www.lrc.ky.gov](http://www.lrc.ky.gov). Below is a brief overview of the legislation.

### **Senate Bill 13**

- Allows the sale of any alcoholic beverages during any primary or election day in any territory to the same extent that territory is already wet or moist. The default position under SB 13 is to allow sales, and inaction by a locality will maintain sales. A 1st to 4th class city or any form of county government may opt-out of sales on election days through a local ordinance. A county containing a 1st to 4th class city may not impose an action on that city, and may not supersede, reverse, or modify the decision of that city regarding Election Day sales.
- Implements the recommendations of the Governor's Alcohol Task Force. It does not expand or contract the sale of alcoholic beverages. HB 300 consolidates many non-quota alcohol license types, while retaining the current quota licenses. It cleans up and reorganizes the licensing and local option election chapters. It modifies fees accordingly, based on the recommendations of the Office of the State Budget Director.
- Allows a microbrewery to sell malt beverages it produced on the premises for on-site or off-site consumption if it has the appropriate licenses, a written contract with a distributor, and a monthly report for the distributor showing malt beverages produced and sold. The microbrewery must submit a report to the Department of Revenue and pay the wholesale tax and sales tax.
- Does not affect any existing qualified historic sites or how new sites are established through a local option election. SB 24 allows any site listed in the National Register of Historic Places to be a qualified historic site, if the site has a 50 seat dining facility. A not-for-profit or nonprofit facility listed on the National Register of Historic Places may become a qualified historic site without a dining facility.

## **Kentucky ABC Conducts *Cops In Shops* Detail**

*31 citations are given over weekend*

Continuing efforts to restrict youth access to alcohol and keep communities safe, enforcement officials from Kentucky's Department of Alcoholic Beverage Control (ABC) conducted a Cops in Shops Detail (TED) at points of sale in Lexington March 28.

The detail resulted in 31 citations:

- Person 18-20 Possess/Attempt to Purchase Alcohol – 9
- Person 18-20 Use False ID to Obtain Alcohol – 7
- Person 18-20 Enter Premises to Purchase Alcohol – 7
- Person 18-20 Remain on Liquor Package Premises – 6
- Criminal Possession Forged Instrument 3<sup>rd</sup> Deg – 1
- Assist Person 18-20 Purchase Alcohol – 1



“The Cops in Shops detail has been a very successful tool in our efforts to curb underage drinking,” stated Enforcement Director Mike Razor. “The success of this program depends on cooperation between merchants and investigators. This detail speaks highly not only of that cooperation but of the outstanding efforts of investigators of the Alcoholic Beverage Control Enforcement division.”

Cops in Shops is a highly successful program enjoys the full support of convenience and package store owners who check IDs to prevent the sale of alcoholic beverages to minors. The owners notify the ABC when minors try to buy alcohol from them. Undercover ABC investigators enter the stores and pose as employees or customers. Minors who attempt to purchase alcoholic beverages are cited to district or juvenile court. Adults who attempt to buy alcohol for minors are arrested or cited to criminal court.

## **ABC Payment Update:**

Effective June 1<sup>st</sup>, there will be a Convenience Fee of 2% added to all credit card transactions.

## **Frequently Asked Questions...**

*Question: I'm hosting a fund raiser this weekend. Is it okay for a charity to have a silent auction for a gift basket with a bottle of wine or bourbon?*

**Answer:** No. Only charities holding licenses are permitted to sell bottles of alcohol. See, KRS 243.020(1).

A charity can obtain a special temporary distilled spirits and wine auction license to auction bottles of wine or distilled spirits as a fundraiser. See, 243.036. This license costs \$100.00. See, KRS 243.030.

### S.T.A.R. Training Dates

Below are upcoming dates for the Server Training in Alcohol Regulations. In addition to responsible sales and service training, we cover Kentucky-specific statutes and regulations, individual liabilities and fake IDs. Class time is four hours. **Register for class and keep up with class changes and additions at <http://abc.ky.gov>.**



Date	Time	Location	City	County
05/04/2013	7:00AM	Partners II Pizza	Richmond	Madison
05/06/2013	9:00AM	Breckinridge County Courthouse	Hardinsburg	Breckinridge
05/07/2013	9:00AM	Ramada Conference Center	Louisville	Jefferson
05/07/2013	9:00AM	Four Points by Sheraton	Lexington	Fayette
05/13/2013	9:00AM	Kentucky Alcoholic Beverage Control	Frankfort	Franklin
05/13/2013	9:00AM	Cigar Factory Mall	Owensboro	Daviess
05/14/2013	9:00AM	Hampton Inn	Somerset	Pulaski
05/14/2013	9:00AM	Fiscal Court Building	La Grange	Oldham
05/18/2013	9:00AM	Four Points by Sheraton	Lexington	Fayette
05/20/2013	9:00AM	Houchen's Industries, Inc	Bowling Green	Warren
05/20/2013	9:00AM	Kentucky River ADD/Perry Park	Hazard	Perry
05/21/2013	5:00PM	City Hall	Paducah	McCracken
05/21/2013	9:00AM	Inter-County Energy Co-op	Danville	Boyle
05/28/2013	5:00PM	Four Points by Sheraton	Lexington	Fayette
05/28/2013	9:00AM	Murray State University Curris Center	Murray	Calloway
05/28/2013	9:00AM	Florence Government Center	Florence	Boone
06/04/2013	9:00AM	Four Points by Sheraton	Lexington	Fayette
06/10/2013	5:00PM	Kentucky Alcoholic Beverage Control	Frankfort	Franklin
06/10/2013	5:00PM	Cigar Factory Mall	Owensboro	Daviess
06/11/2013	9:00AM	Hampton Inn	Corbin	Laurel
06/15/2013	9:00AM	Four Points by Sheraton	Lexington	Fayette
06/17/2013	6:00PM	Ramada Conference Center	Louisville	Jefferson
06/18/2013	9:00AM	City Hall	Paducah	McCracken
06/18/2013	9:00AM	Pritchard Community Center	Elizabethtown	Hardin
06/24/2013	9:00AM	Jenny Wiley SRP	Prestonsburg	Floyd
06/24/2013	9:00AM	Hampton Inn	Hopkinsville	Christian